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YOUR REF

OUR REF P027799WO:HGH/GJS/swi

30th August 2001

Dear Sirs,

Re: International Patent Application PCT/GB00/03145
The Technology Partnership PLC

I refer to the Written Opinion of 1st August 2001 issued on this application and now respond thereto.

In item V, point 4 of the opinion, the Examiner suggests that, because the array of sampling devices of D1 is judged to fall within the meaning of the term "bandolier", claim 3 lacks novelty. This reading of D1 is contested for the following reason.

According to the English language equivalent of D1 (GB 2329599) the need inspiring the invention of D1 is "for a method and device capable of placing multiple biological samples between electrophoresis plates more quickly and more accurately (lines 16 to 18, page 2). I enclose a copy of GB 2329599 for the Examiner's reference.

An object of the invention is stated as being the provision of "a pipette tip device capable of placing a plurality of biological samples simultaneously between closely spaced electrophoretic plates" (page 2, lines 23 to 25).

The device intended to solve this problem and meet this objection "includes a plurality of interconnected pipette tips disposed in substantially parallel orientation and in side-by-side alignment (page 2, lines 27 to 29).

However, electrophoretic plates are spaced extremely closely together e.g. 0.2 mm (page 2, lines 10 and 11). Hence, in order that multiple biological samples may be placed between the plates by the device of D1 there is no room for flexibility of the array of pipettes. The pipette tips themselves are described as being flexible, but the device (30, 30a) is not. It must be rigid to allow reliable insertion of the multiple tips into the very small gap disposed between the plates.

This is further evidenced by the disclosure of the device 30a which includes a support frame 42 consisting of an upper surface and a plurality of discontinuous trace members

46 extending downwardly from the upper surface and between the pipette tips, each pipette tip being fixedly attached to the upper surface and the adjacent brace members such that the fixing can only be undone by breaking, melting or other material failure (page 7, line 20 to page 8, line 3).

Hence, it is evident that each strip (30, 30a) disclosed in D1 is rigid. Accordingly, D1 does not disclose "a strip of flexible material" as required by claim 3. The novelty of claim 3 is thus believed established.

Referring now to the term bandolier, the inventor adopted this term from the Electronics Industry where it is used to describe electronic components attached to a disposable flexible backing to enable automatic feed. For example, resistors are commonly provided in this form.

For the purpose of understanding only, I enclose two extracts from Electronics websites where the terms "bandolier" is described. Clearly, in the electronics industry, a bandolier is a strip of components for use in automatic feed. However, no reference pre-dating the priority date of this application is known to the inventor, as the term is an industry standard which is not specifically defined (knowledge of its meaning is assumed).

However, the original meaning of the term is a cartridge belt, i.e. straps worn by soldiers including loops or pouches for storing individual cartridges, bullets or the like. This meaning will be confirmed by almost any English dictionary the Examiner may choose to consult. Since these straps are to be worn by a human, they must necessarily be flexible, in order to conform to the body of their wearer (e.g. to sit comfortably upon the wearer's shoulders). Hence, it is believed that the meaning of the term "bandolier" is clear to the skilled reader. Further, the array of D1 (being rigid) is not believed to fall within the meaning of this term.

In view of the above, it is believed that D1 is not prejudicial to the novelty or inventive step of the subject matter of claim 5, because that document relates to a device so far removed from that which is claimed. D1 is not believed to suggest the use of a flexible strip, and the rigid array thereof is not believed encompassed within the term "bandolier". Hence, the Examiner is kindly requested to reconsider his objection.

Reference numerals have not been inserted in the claims, because such a format of claims is incompatible with the requirements of various national offices into which this application is to progress, and they may be introduced readily, where required, in the national phase.

In view of the foregoing, I request that the Examiner's objection to claim 3 be set aside and that a favourable international Preliminary Examination Request be issued. However, if the Examiner is not inclined to find the subject matter of claim 3 novel and inventive, I should be grateful to be allowed an extra opportunity to amend this application (in the form of a second written opinion) in accordance with Rule 66.4 of the Regulations under the PCT.

Yours truly,


HALLYBONE, HUW GEORGE